

THOMAS H. CARPENTER.

JANUARY 8, 1897.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. FENTON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 1841.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1841) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth United States Infantry, to the rolls of the Army, and providing that he be placed on the retired list of officers, have considered the same and find that the facts in the case are substantially set forth in Senate Report No. 1295, Fifty-second Congress, second session, part of which report is hereunto appended and unanimously adopted as the report of this committee.

[Senate Report No. 770, Forty-sixth Congress, third session.]

The Committee on Military Affairs, to whom was recommended the bill (S. No. 129) authorizing the restoration of the name of Thomas H. Carpenter, late captain, Seventeenth U. S. Infantry, to the rolls of the Army, and providing that he be placed on the list of retired officers, have duly considered the same and beg leave to make the following report:

Capt. Carpenter was appointed a first lieutenant from civil life in the Seventeenth U. S. Infantry May 14, 1861, and was promoted to the rank of captain May 4, 1863. He shared the different vicissitudes of the Army of the Potomac until the battle of Gettysburg. He was promoted to the brevet rank of major for gallant and meritorious services at that battle, where he was so severely wounded while charging the enemy on the morning of July 3, 1863, as to render him permanently unable to perform active military duty, and he has not up to the present time recovered from the disability caused by the wound which he received.

At Capt. Carpenter's request, in January, 1864, and while still using crutches, he was assigned to duty as assistant provost-marshal for the State of Iowa, and rendered such services as he was able to perform in his disabled condition until October of that year, when he was ordered to the headquarters of his regiment, at Fort Preble, Portland Harbor, Maine, where he continued for some time to perform such services as he was able to render. He was twice examined by Surg. Gen. Barnes, and was by him pronounced wholly unable to perform military duty, not only from the effects of a wound in the left thigh, but from inguinal hernia, resulting from services rendered in the line of duty as an officer. Dr. Barnes was also of opinion that either disability disqualified him for the performance of military duty. After performing such duty as he could at Fort Preble, from October, 1864, to August, 1865, using a cane when on duty as officer of the day, he was ordered before a retiring board, then in session at Wilmington, Del. A surgical examination there by Surgs. Baily and Edwards developed the fact that he had received a gunshot wound in the left thigh, that his knee was stiffened thereby, and that he was suffering from oblique inguinal hernia, requiring the use of a truss; but nevertheless the board, with these facts before it, found that he was not incapacitated for the performance of the active duties of his office in the field.

In February, 1866, on account of Capt. Carpenter's evident unfitness for the performance of active military duty, he was again ordered before a retiring board, sitting in Philadelphia. For some months previous to his appearance before this board

he had been suffering severely from a sore throat and had obtained a surgeon's certificate on that account as a ground for a leave of absence. The surgeons on the board, not finding any disease of the throat (as he had recovered from that affection before appearing before them), appeared to take it for granted that he was capable of performing active service in the field, notwithstanding it was shown and admitted by them that he was suffering from permanent stiffness and lameness of the left leg, and also from hernia, requiring the support of a truss, and without such support his entrails would be liable to come down, and when down to strangulation might result in death. They regarded the danger from this cause so great as to advise him to provide himself with a duplicate truss when in the field, to avoid danger in case one should break. Nevertheless the board found and reported that he was not incapacitated for active service. The action of this board was such as to force him to resign. In sending in his resignation he said:

"Having been pronounced permanently lame, but fit for duty in the field, by the surgeons of the retiring board, I am forced to resign my commission as captain in the Seventeenth U. S. Infantry."

By staying in the Army he could, of course, have drawn full pay for years and done no duty, for no commanding officer would have ordered anyone in his condition to perform active duty, and retirement would have been the ultimate result. But Capt. Carpenter did not look upon it in that light at that time.

In June, 1868, he attempted to have his case reopened, and to that end called on Gen. Hancock, who then had his headquarters in Washington, D. C. Gen. Hancock remembered the case, and admitted the wrong and contradictory report of the surgeons, and called the attention of Gen. Schofield (then Secretary of War) to it. Gen. Schofield, as a first step toward righting an evident wrong, as he said, ordered Capt. Carpenter before a retiring board in New York City. The proceedings of this board show that he was suffering from lameness and hernia, but notwithstanding these facts, and the declaration of the board that he was thereby disqualified for appointment to an office in the Army, it found and reported that he was not incapacitated for active service at the time.

The certificate of Surg. Billings of March 15, 1869, approved by Surg. Gen. Barnes, shows that Capt. Carpenter was then suffering with hernia and from the effects of a gunshot wound, causing stiffness of the knee, by which he was rendered unfit for the duties of an officer serving with troops. The certificate of Surg. Basil Norris, of February 28, 1880, shows that Capt. Carpenter was still suffering from hernia and from the wound in his left thigh, and that from these causes, or either of them, he was disqualified for military duty. He was examined by a great number of surgeons (outside of the retiring boards) and all of them, without a single exception, have given it as their opinion that in consequence of his injuries he was unfit for military duty; and the certificates of the following surgeons and physicians to the same effect are filed with the papers in the case, and can be readily referred to if necessary: Dr. A. O. Blanding, late surgeon Twentieth Iowa Volunteers; Dr. A. T. Hudson, late surgeon Twenty-sixth Iowa Infantry; Dr. George F. Wetherell, late assistant surgeon Twenty-sixth Iowa Infantry; J. S. Billings, assistant surgeon and brevet lieutenant-colonel, U. S. Army; Dr. Washington Reynolds, of Kittanning, Pa.; Harvey E. Brown, brevet major and assistant surgeon, U. S. Army; and Henry C. Parry, assistant surgeon, U. S. Army, Fort Preble, Me.

The official record of Capt. Carpenter's service, and Adj. Gen. Townsend's letter of August 16, 1865, show that he was severely wounded at the battle of Gettysburg, July 3, 1863, and that in consequence thereof he was only assigned to light duty afterwards. Letters are also on file with the papers from Maj. S. H. Lathrop, Seventeenth U. S. Infantry; Lieut. Col. Andrews, Thirteenth U. S. Infantry; and Col. Greene, Sixth U. S. Infantry, testifying to the manner in which he performed his duty as an officer. His restoration with a view to retirement was recommended by the House Military Committee of the Forty-first Congress, and a bill authorizing his retirement passed the House on the 29th day of February, 1879, but reached the Senate too late for consideration.

In conclusion, the committee beg leave to say that they are of opinion that the findings of the three retiring boards were erroneous, unjust, and not warranted by the true facts of the case. They believe that Capt. Carpenter was not fit at the time he was respectively examined by them to do field or garrison duty, or even to carry a sword and scabbard, as it was impossible for him to walk any distance without feeling great pain in his body and stiffness in his wounded leg; and there seems to be no doubt in the mind of your committee that if Capt. Carpenter had continued in the performance of military duty he would have aggravated his disease (hernia), and which would probably have resulted in his premature death.

From the above state of facts, the committee feel justified in reporting the bill back to the Senate favorably.